

**Press Information Bureau
Government of India
Cabinet**

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Amendment to the Right to Information Act, 2005

The Union Cabinet has approved introduction of a Bill in the coming session of the Parliament to amend the Right to Information Act, 2005, to exclude the political parties from the definition of Public authority for the purpose of the Act.

The Central Information Commission (CIC) in its decision dated 03.06.2013, has held that the political parties, namely, AICC/INC, BJP, CPI(M), CPI, NCP, and BSP are public authorities under Section 2(h) of the RTI Act. While deciding that the said political parties are public authorities, the CIC has relied mainly on the grounds that there is substantial (indirect) financing of political parties by the Central Government and they perform public duty.

The political parties are registered with the Election Commission under the provisions of section 29A of the Representation of the People Act, 1951. Under this section any small group of persons, if they so desire, can be registered as a political party by making a simple declaration under sub-section (5) of section 29A.

With reference to the political parties, detailed provisions exist in the Representation of the People Act, 1951 which provides for dissemination of information relating to political parties, candidates and donations. The said Act, inter alia, provides for –

- Registration with the Election Commission of associations and bodies as political parties (section 29A)
- Political parties entitled to accept contribution (section 29B)
- Declaration of donation received by the political parties (section 29C)
- Declaration of assets and liabilities (section 75A)
- Account of election expenses and maximum thereof (section 77)
- Lodging of account with the district election officer (section 78)
- Penalty for filing false affidavit etc. (section 125A)

The above provisions of the Representation of the People Act, 1951 indicate that there are sufficient provisions in the Act to deal with each and every aspect of financing, its declaration and punishment for filing false affidavit and all such information is made available to the public through the website of the Election Commission.

Under section 13A of the Income-tax Act, 1961, the political parties claiming exemption from tax are required to file their return of income before the due date before the tax authorities along with audited accounts; and form 24A prescribed under section 29C of the Representation

of the People Act, 1951 read with Rule 85B of the Conduct of Election Rules, 1961 declaring the list of persons making donations to the political parties exceeding 20,000/- rupees.

As per section 138 of the Income-tax Act, any information with the Income-tax Department would be ordinarily held confidential, but can be made public, if in the judgment of the Commissioner of Income-tax, it serves public purpose.

Under section 10A of the Representation of the People Act, 1951, for failure to lodge the account of election expenses as per the requirement of law, the defaulting candidate may be disqualified by the Election Commission for three years from the date of the order of disqualification.

Section 29C of the Representation of the People Act, 1951, provides that each political party shall submit report to the Election Commission (before filing its income-tax return) regarding all contributions in excess of 20000/- rupees received by it in a financial year and failure to submit this report will deprive them of the tax benefit. Further, the candidates are required to file affidavit along with their nomination papers giving the annual income of the candidate and filing of false affidavit attract punishment for furnishing wrong information.

The RTI Act was enacted to provide for an effective framework for effectuating the right of information recognised under Article 19 of the Constitution. The RTI Act was enacted to ensure greater and more effective access to information by making the Freedom of Information Act, 2002 more progressive, participatory and meaningful.

The definition of public authority given in clause (h) of section 2 of the RTI Act is well defined to include only such authority or body constituted by or under the Constitution or by any law made by Parliament which is substantially financed directly or indirectly by funds provided by the appropriate Government. The political parties do not fall within the parameters of the definition of public authority given in the RTI Act, as they are only registered and recognised under the RP Act, 1951.

SC/SKS